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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,613	11/14/2003	Fatih Ozluturk	I-2-0437.1US	2508

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EXAMINER

NGUYEN, LEE

ART UNIT PAPER NUMBER

2618

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,613

Applicant(s)

OZLUTURK ET AL.

Examiner

LEE NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,12-14,25,36-38,49 and 50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,12,14,25,36,38 and 49 is/are rejected.
- 7) ☒ Claim(s) 13,37 and 50 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Claims 2-11, 15-24, 26-35, 39-48 were canceled. Claims 1, 12-14, 25, 36-38 and 50 remain in prosecution.

Information Disclosure Statement

The IDS filed 5/21/04, 8/18/06 and 11/3/06 have been considered and recorded in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 12, 14, 25 and 36 are rejected under 35 U.S.C. 102(e) as being anticipated by Bugeja (US 7,016,654).

Regarding claim 1, Bugeja teaches a wireless transmit/receive unit (WTRU) (figs. 1A, 1B) comprising: (a) a radio receiver 72 comprising a plurality of analog receiver components 6, 14, 18; (b) a radio transmitter 72 comprising a plurality of analog transmitter components 38, 40, 42; (c) at least one controller 36, 78; and (d) a plurality of compensation modules 8, 10, 12, 24, 30, 34, 58, 60 and 70 in communication with the controller 36, 78, the modules for correcting radio frequency (RF) parameter deficiencies that exist in at least one of the radio receiver and the radio transmitter, whereby RF parameter requirements established for one or more of the analog receiver and transmitter components are relaxed (col. 6, lines 26-67).

Regarding claim 12, Bugeja also teaches comprising: (a) at least one analog to digital (ADC) gain control circuit 26, 28 in communication with the radio receiver 72; and (b) at least one low pass filter (LPF) 20, 22 in communication with the ADC gain control circuit 26, 28 and at least one of the compensation modules 24 (see figs. 1A, 1B), wherein the analog receiver components are introduced to a digital domain established to enhance the performance characteristics of the radio receiver (Note: this functional language is inherent in the performance of digital over analog).

Regarding claim 25, Bugeja teaches a wireless communications system (figs. 1A, 1B) comprising: (a) a radio receiver 72 comprising a plurality of analog receiver components 6, 14, 18; (b) a radio transmitter 72 comprising a plurality of analog transmitter components 38, 40, 42; and (c) at least one digital baseband (DBB) compensation

processor 36 including a plurality of radio frequency (RF) compensation modules 8, 10, 12, 24, 30, 34, 58, 60 and 70 for correcting RF parameter deficiencies that exist in at least one of the radio receiver and the radio transmitter, whereby RF parameter requirements established for one or more of the analog receiver and transmitter components are relaxed (col. 6, lines 26-67).

Regarding claim 14, the method claim is interpreted and rejected for the same reason as set forth in the apparatus claim 25.

Regarding claim 36, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 38 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bugeja (US 7,016,654).

Regarding claim 38, the claim is interpreted and rejected for the same reason as set forth in claim 1. This claim only differs from Bugeja in that the components are implemented in an IC. It is obvious from previous case laws that electronic components implemented in an IC are not new.

Regarding claim 49, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Allowable Subject Matter

Claims 13, 37 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Regarding claims 13, 37 and 50, the prior art does not teach or suggest the components in ADC gain control circuit as claimed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEE NGUYEN whose telephone number is 571-272-7854. The examiner can normally be reached on FIRST FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LEE NGUYEN
PRIMARY EXAMINER